

CASE NO.: 50P4426
Serial No.: 09/839,000
June 21, 2005
Page 6

PATENT
Filed: April 21, 2001

Remarks

Reconsideration of the above-captioned application is respectfully requested. All pending claims (1-22) have been rejected under 35 U.S.C. §103 as being unpatentable over Taguchi et al., USPP 2002/0144289 in view of Greer et al., USPN 5,978,828. Independent claims 1 and 7 now recite their original subject matter. The enclosed inventor declaration of prior conception and accompanying attorney declaration of diligence swear behind Taguchi et al., removing it as a reference.

With respect to independent Claim 15, it is admitted in the rejection that the primary reference fails to teach updating a virtual channel but proposes to remedy this shortfall by adding the secondary reference to the mix. However, there is no reason to combine the updating teaching of the secondary reference with the primary reference, for the simple reason that the primary reference does not store Web pages in the first place. As set forth in paragraph 70, all that the primary reference stores is a logical mapping from a channel number to a URL, but not the underlying Web page. Instead, as explicitly taught in paragraph 75, to select a virtual channel which corresponds to a URL, "the user clicks these links to receive content from these media sources" (i.e., from the Web sites direct). Thus, there is no need to update Web pages at the device of the primary reference because every time a virtual channel is selected, the device downloads what of necessity must be the latest version direct from the Web site.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.


The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

1168-13.AM1

CASE NO.: 50P4426
Serial No.: 09/839,000
June 21, 2005
Page 7

PATENT
Filed: April 21, 2001

Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg

1168-13.AM1